

State of California
Regional Water Quality Control Board
North Coast Region

MINUTES OF MEETING
August 26, 1999
Eureka City Council Chambers
531 K Street
Eureka, California

The August 26, 1999 meeting of the California Regional Water Quality Control Board, North Coast Region was called to order at 8:30 a.m. by Chairman Ross Liscum. Bill Hoy led the Pledge of Allegiance.

Introductions

Chairman Liscum introduced the Board members present, State Water Board member John Brown, Executive Officer Lee Michlin, and Legal Counsel Phil Wyels.

Board Members Present

Bill Hoy, Jim Mitchell, Stan Plowman, Bev Wasson, and Ross Liscum

Staff Present

Lee Michlin, Craig Johnson, Bob Tancreto, Susan Warner, Frank Reichmuth, Tom Dunbar, John Hannum, Ranjit Gill, Dave Parsons, Tuck Vath, Lisa Jenkins, Terri Korell, Jean Spath, and Phil Wyels

Minutes of Meeting

Stan Plowman moved adoption of the July 21 and 22, 1999 minutes as presented. Bill Hoy seconded the motion and it carried by a unanimous voice vote.

Public Forum

Anne Antoville, Advocates for Redwood Creek, addressed her comments to turbidity in the Redwood Creek TMDL. She stated additional protective measures in the monitoring requirements and numeric targets to better protect cold water fishery in the basin should be addressed as outlined in the proposed TMDL.

Jesse Noell, Salmon Forever, discussed various soil conditions, monitoring, and turbidity factors found in the Freshwater Creek basin, Humboldt Redwood State Park, and south fork of the Elk

River. He showed several slides illustrating flooding conditions in Freshwater Creek and at the Howard Heights monitoring station due to soil erosion. He requested staff participation for instream monitoring when they are in the field during a preharvest inspection.

Joyce King, Salmon Forever, stated she has been assisting with the Freshwater Creek assessment process. She said aerial photography shows that unsound timber harvesting practices are causing the majority of slides and account for the greater part of the sediment source.

Ken Miller, Salmon Forever, said his organization requested but has been denied the opportunity to look at Pacific Lumber Company's aerial photos of Freshwater Creek for 1997 to understand the overall health of the watershed.

Tom Hannah, referenced his August 26 letter which requested a complete report on the Balloon Track Cleanup on the Eureka Waterfront in Humboldt Bay be calendared for a future Eureka meeting.

Cynthia Elkins, Litigation Coordinator for Environmental Protection Information Center (EPIC), requested immediate action to correct ongoing violations of the Clean Water Act's Antidegradation Policy. Her August 25 letter stated that, if the Board chooses to deny action to her group's petition within 60 days, then "EPIC will be compelled to consider taking legal action to seek the justice to which our watersheds and native aquatic species are entitled".

Consent Calendar

- A. The Pacific Lumber Company – Scotia Mill**, Scotia, Humboldt County, Renewal of Waste Discharge Requirements, NPDES Permit No. CA 0006017, WDID No. 1B83104OHUM
- B. John Porter and John McDonald dba Benbow Valley Investments**, Garberville, Humboldt County, New Waste Discharge Requirements, WDID No. 1B87037OHUM
- C. Sonoma County Transportation and Public Works, Warm Springs Creek Bridge** at Rockpile Road, Bridge No. 20C-0438, Seismic Retrofit Project
- D. Tulelake Wastewater Treatment Facility**, Siskiyou County, Renewal of Waste Discharge Requirements, NPDES Permit No. CA0023272, WDID No. 1A84002SIS

John Hannum made Consent Calendar changes as follows: (1) Item No. A, Pacific Lumber Company, Page 3, Finding 10, (2) Item No. C, Sonoma County Transportation and Public Works, Page 3, Finding 15, and (3) D, City of Tulelake Wastewater Treatment Facility, Page 3, Finding 13.

Stan Plowman moved adoption of the Consent Calendar as amended. Bill Hoy seconded the motion and it carried by a unanimous voice vote.

1. **PUBLIC HEARING** to Consider Recision of a Cleanup and Abatement Order for Melvin G. Wright, Patricia R. Wright, Raymond A. Luzzi, and Bill Durbin for the property located at the former **Broadway Maxi Mart**, 1209 Broadway, Eureka, Humboldt County

Chairman Liscum opened the public hearing, read the hearing procedure, and swore in those presenting testimony.

Tom Dunbar summarized a brief site history and stated the Board issued Cleanup and Abatement Order No. 98-90 on August 27, 1998. The source of petroleum contaminants has been removed from the site and concentrations in groundwater at all sampling points on the site have decreased by more than 97 percent from 1993 levels. Contaminant concentrations in groundwater at the site are expected to achieve water quality objectives by passive natural attenuation. He said the responsible parties have completed all the tasks required by Order No. 98-90 and no further investigative or remedial work is necessary at the site. Therefore, Regional Water Board staff concludes that the Broadway Maxi Mart does not continue to pose a threat to water quality.

Bill Hoy moved recision of Cleanup and Abatement Order 98-90 as proposed. Bev Wasson seconded the motion and it carried by a unanimous voice vote.

2. **PUBLIC HEARING** to Consider Recision of Cease and Desist Order No. 97-15 Requiring Trinity River Lumber Company to cease discharging waste in violation of Waste Discharge Requirements, Order No. 97-14, NPDES Permit No. CA0025046

Chairman Liscum opened the public hearing, read the hearing procedure, and swore in those presenting testimony.

John Hannum recapped the events that led to the issuance of Order Nos. 97-14 and 97-15 on February 27, 1997. During the 1998-99 wet winter season, the Company made facility improvements, implemented a corrective action plan, and developed an updated stormwater pollution prevention plan for industrial stormwater activity. On March 29, 1999, the Regional Water Board was notified by the Company they had achieved compliance with all the tasks outlined in Order No. 97-14. Mr. Hannum stated Trinity River Lumber Company has complied with the requirements of Cease and Desist Order No. 97-15 and eliminated the discharges of mill-related process water in compliance with provisions in Order No. 97-14. Therefore, it is appropriate to rescind Cease and Desist Order No. 97-15.

Jim Mitchell moved recision of Cease and Desist Order No. 97-15 and Waste Discharge Requirements Order No. 97-14 as proposed. Stan Plowman seconded the motion and it carried by a unanimous voice vote.

At the suggestion of Board member Hoy, Lee Michlin stated he would be pleased to issue a press release commending Broadway Maxi Mart and the Trinity River Lumber Company on their successful compliance efforts with the Regional Water Board's orders.

3. Executive Officer's Report

a. Status Report on the Eureka Waterfront Cleanups

Lisa Jenkins stated the waterfront area was active with a variety of commercial and industrial businesses that included metal salvage, petroleum storage, engine maintenance, and saw mill activities. These activities have caused the release of a variety of pollutants; impacting soil, groundwater, and bay sediments. Using an overhead slide, she described the various stages of investigation and cleanup that range between: (a) source area identification, (b) characterization of contaminant extent, (c) risk assessment, and (d) remedial actions. She discussed the historic site operations at the balloon track site using individual sites within that area describing the progress of ongoing activities.

A recorded copy of Ms. Jenkins' presentation and all relevant Eureka waterfront materials will be made available to Tom Hannah.

b. Reorganization Update

Craig Johnson identified the three division chiefs and new senior personnel in the North Coast Region's new organizational structure. He discussed personnel changes and staff implementation in the new watershed approach. He said staff is presently interviewing engineering candidates to fill numerous positions. Interviews with geological and environment specialist candidates will begin in the next several weeks. In response to Jim Mitchell's request, Lee Michlin said he would send him a copy of the updated staff changes.

c. Y2K Update

John Hannum stated the State and Regional Water Boards have been distributing materials to keep the regulated public informed on Y2K measures to enable continued compliance with the Boards' orders. He said the Region's Category One and a limited number of Category Two dischargers received a recent letter containing a readiness checklist and questionnaire. The materials are to be completed and returned to the Regional Water Board by September 20, 1999.

d. Standard NPDES Language

John Hannum said a process is being developed for the regulated community to electronically submit and review self-monitoring reports. Small language changes will be incorporated in future NPDES permits. When the reports are submitted electronically, a technical database will provide useful for statewide documentation for permit compliance by the large discharger. Methods of effluent monitoring and other various reporting limitations for the small discharger will remain unchanged.

e. Report on the Status of Underground Storage Tank Issues and MTBE

Tom Dunbar reported discussion at the August 4 Underground Tank Roundtable centered around the development of a guidance document to assess vulnerability of groundwater from MTBE contamination and a method to prioritize each Regional Water Board's existing sites. There was discussion with the Department of Water Resources to develop a process to identify aquifer size and contaminant movement within the aquifer to evaluate and determine the highest priority sites. Additional discussion and a draft guidance document will be presented in Sacramento at the September 27 meeting. Mr. Dunbar updated the Board on progress with MTBE-contaminated sites. He responded to additional questions from the Board.

f. An Update by the Bureau of Land Management on Headwaters Forest

Lynda Roush, Bureau of Land Management (BLM) Headwaters Forest Reserve Manager, acknowledged that BLM acquired 7,400 acres of Headwaters Forest land on March 1, 1999. The interim management policy that was developed and implemented on March 24 includes the restricted use of the area. Ms. Roush discussed areas where limited public access can be achieved by hikers with day permit parking only. An environmental assessment is under way with a public comment period open until September 3. In late October, a long-term management plan will be drafted including an environmental impact statement to be open for public participation. The eighteen-month process will contain three elements: (1) research and monitoring, (2) restoration, and (3) recreation. Ms. Roush responded to questions from the Board. Mr. Michlin said the Regional Water Board would work closely with the Bureau of Land Management to identify roads and areas where severe degradation has occurred.

4. Trinity River Diversion

Tom Stokely, Senior Planner, Trinity County Planning Department, said the agency shares a co-lead with the HoopaValley tribe, the Bureau of Reclamation, U. S. Fish and Wildlife Service, in preparation of the Trinity River Mainstem Fishery Restoration Environmental Impact Report and Statement for the upcoming Trinity River flow decision. He referenced his August 26 report which discussed recommended annual water allocation for instream releases and water temperature objectives for the protection of spawning salmon and steelhead during summer, fall, and winter and in dry and wet water year conditions.

Arnold Whitridge, Project Specialist, Trinity County Planning Department, used a large map to geographically illustrate and explain the different reaches of the Trinity River. He presented a brief summary of historical yield and diversion of the Trinity River water. Mr. Whitridge summarized the projects that have been initiated to help restore the fisheries habitat.

Mr. Stokely briefly addressed the relationship between the Central Valley Improvement Project and the Trinity River. A draft EIS/EIR will be released for public comment by

November and a Record of Decision expected by Spring 2000. The Regional Water Board was encouraged to submit their comments on the administrative draft EIS/EIR to the U. S. Fish and Wildlife Service. Messrs. Stokely and Whitridge responded to discussion from the Board.

Chairman Liscum welcomed the arrival of California Environmental Protection Agency Secretary Winston Hickox to the meeting.

5. Five County Coho Initiative

Mark Lancaster, Trinity County, supplemented his presentation with geographic slides to present background information on the development of the Five County, Coho Initiative. The participating counties including Trinity, Siskiyou, Del Norte, Humboldt, and Mendocino passed a resolution saying that they would commit to do a salmonid conservation plan and grant funds were provided in 1998. He stated that grants in the amount of \$1.1 million have been secured for the 1999-2000 budget year. Coastal streams are a primary source of priority funding as well as an assessment of current land use activities along with an aggressive educational outreach program. He said that county efforts have been undertaken without funding to protect salmonids by implementing their own local plans. Siskiyou County has made a tremendous effort to reduce soil sediment on roads to protect salmonids in some of their most significant streams. Mr. Lancaster responded to questions from the Board.

Chairman Ross Liscum announced and congratulated Frank Reichmuth, Supervising Water Resource Control Engineer, North Coast Region on his being selected to receive the 1998-1999 Supervisory Performance Award . Frank thanked the Board and stated he has worked for the North Coast Regional Water Board for 27 years.

Chair Liscum adjourned the meeting for a lunch break during which retired Board member Joyce Crockett would be honored for her fifteen years of service.

Public Forum

Oral testimony was presented by Bill Thompson, Bayside resident; Margaret Herbelin, League of Women Voters; Bob Martel, Humboldt Watershed Council; Joanne Fornes, McKinley resident; Mark Rentz, California Forestry Association; Jack Noannan, Earth First, Arcata resident; Tera Prucha, Eureka resident; Patty Clary, Californians for Alternatives to Toxics; Steve Christianson, Eureka resident; Rob DiPerna, Earth First, Arcata resident; Lucille Vinyard, Trinidad resident; Jean Paulson, Eureka resident; Jene McCovey, Native American Coalition for Headwaters Forest, Eureka resident; Dan Ihara, Center for Environmental & Economic Development, Arcata resident; Richard Gienger, Whitethorn resident; Marianne De Sobrino, Humboldt Watershed Council, Eureka resident; Ken Miller, Salmon Forever, McKinleyville resident; William Blasewitz, Eureka resident; Diane Beck,

Sierra Club, Kneeland resident; and Jan Kraepelien, Freshwater Watershed Working Group, Eureka resident.

6. Report of Review of Recommended Forest Practice Rules Modification

Frank Reichmuth stated his staff together with representatives from Regions 3, 5, and 6 compiled a proposed package of modifications of the Forest Practice Rules. A compromise, partial package was presented to the Board of Forestry by Water Resources Secretary Mary Nichols and Winston Hickox, Secretary of Cal EPA and will be submitted to the Board of Forestry on September 14. Mr. Reichmuth discussed the areas where significant language modifications have occurred. He responded to a question from Board member Plowman.

Richard Gienger presented comments addressing the areas in the modified forest practice rules that he felt merited further consideration.

Kevin Bundy, Garberville resident, gave oral testimony regarding compliance of the proposed Forest Practice Rules changes as they apply to water quality standards.

Mark Rentz, California Forestry Association, referenced material from the "Hillslope Monitoring Interim Report" as compiled by the Monitoring Study Group of the California State Board of Forestry and Fire Protection produced in June 1999. Mr. Rentz stated the report is unique because it includes field analysis looking at 150 actual current timber harvest plans.

7. Update on Timber Harvest Activities by Pacific Lumber Company (PALCO) in the Freshwater Creek and Elk River Watersheds, Humboldt County, California

Frank Reichmuth documented that in 1998, Freshwater Creek and North Fork Elk River residents addressed the Board regarding issues: (a) concerns of adverse impacts of timber harvesting on their domestic water supplies, (b) fisheries, (c) flooding of local private property, (d) logging truck traffic, (e) herbicide use, and (f) the general cumulative effects of timber harvesting activities. Mr. Reichmuth discussed the administrative, regulatory, and technical actions the Regional Water Board staff has taken related to Pacific Lumber Company since December 1998 in response to public requests. Staff will continue review of THPs as described in the Management Agency Agreement with CDF. Recent budgetary increases in the Timber Harvest Division will allow greater participation in this process.

8. Pacific Lumber Company

John Campbell, Pacific Lumber Company President, distributed three handouts to supplement his presentation. Mr. Campbell summarized the company's position on flooding in Freshwater Creek and Elk River watersheds, their updated Habitat Conservation Plan, Sustained Yield Plan and watershed analysis process. The issue of preserving the

Headwaters Forest is one of the Company's main objectives. He stated PALCO's Habitat Conservation Plan contains the strongest environmental protection that has ever been agreed upon for private timberland and is consistent with AB 1986. The result will be increased protection and enhancement of fish and wildlife habitat, improved water quality through a variety of sediment reduction measures, and long-term economic certainty for PALCO employees.

Dr. Jeffrey Barrett, Director of Fish and Wildlife Programs, Pacific Lumber Company, concurred with Frank Reichmuth's presentation. Using graphic slides to implement his presentation, he continued his presentation on flooding issues in both the Freshwater Creek and Elk River watersheds. Dr. Barrett discussed the issues of wildlife conservation, aquatic conservation, riparian management zone, harvest restrictions on unstable areas, road maintenance requirements, and watershed analysis as part of the Habitat Conservation Plan. His watershed analysis process addressed the issues of sediment and flooding.

Ms. Karen Kuzis, Watershed Professionals Network under contract with PALCO, summarized her consulting experience. She stated her professional team has conducted extensive meetings with the owners/residents in the watershed and is impressed by their level of participation. The team is using the Washington DNR process as a basis for their analysis. Ms. Kuzis stated the final analysis would probably not have herbicide issues addressed because those issues have not been fully researched or documented.

Oral testimony was presented by Richard Gienger, Humboldt Watershed Council; Lisa Butterfield, Eureka resident; Gary Shewizy, Loleta resident; Bert Silva, Rio Dell resident; Roger Sanderson, Rio Dell resident; Robert Overholt, Fortuna resident; Robert McCutchen, Fortuna resident; Dennis Schlotzhauer, Fortuna resident; Joyce King, Salmon Forever and McKinleyville resident; Rodney Sanderson, Rio Dell resident; Clint Bush, Scotia resident; Clark Fenton, Watershed Watch; Heather Sheffield, Freshwater Creek resident; Jan Kraepelien, Freshwater Watershed Working Group; Ken Miller, Salmon Forever; Charles Fuentes, Scotia resident; Marianne De Sobrino, Humboldt Watershed Council; and Blake Johnsgard, Scotia resident.

9. Board of Forestry, Process and Procedures

Chris Rowney, Board of Forestry, expressed his appreciation to both Frank Reichmuth and Phil Wyels on working together on the recent rules package. He presented a brief history on the development of the Management Agency Agreement between the State Water Board, the Board of Forestry, and the California Department of Forestry. Those agencies were delegated as the water quality management team to preserve timber operations on nonfederal lands. He discussed the three rule packages that are presently under consideration by the Board of Forestry with implementation expected by January 1, 2000. On July 6, 1999, the Regional Water Boards presented to the Board of Forestry's Executive Officer a proposed comprehensive package examining every forest practice rule. The recommended changes ranged from simple editorial notations to extensive modifications to the regulations. Mr.

Rowney anticipated the proposed changes would be presented to the Board of Forestry committee in November 1999. He responded to questions from the Board.

Richard Gienger, Humboldt Watershed Council, distributed two pieces of correspondence which addressed the Joint DFG/CDF Effort on the Noyo River 4/23/99 and Evaluating Stream and Watershed Conditions in Northern California. He suggested a technical team comprised of staff members from the Regional Water Board, Fish and Game, and the Department of Forestry be developed to address watercourse crossing issues.

10. Timber Harvest Plan Process

Dean Lucke, Department of Forestry and Fire Protection, Sacramento, stated the laws and regulations that govern the timber harvesting plan (THP) review process are found in Statute Law in the form of the Forest Practice Act. The detailed rules are lengthy in scope and provide explicit instructions for permissible and prohibited actions that govern the conduct of timber operations in the field. He reviewed the THP review process as detailed on Page 3 of his literature. Mr. Lucke concluded his remarks by commenting on the timber harvest plans that are active and open in the Freshwater Creek watershed and Elk River drainages. He responded to questions from the Board.

Richard Gienger and Mark Rentz presented oral comments.

Chairman Liscum adjourned the meeting at 6:10 p.m. The next Regional Water Board meeting will be held in Santa Rosa on Thursday, September 23, 1999.

Executive Assistant Jean Spath recorded the minutes of the August 26, 1999 meeting of the North Coast Regional Water Quality Control Board, approved by the Board at its September 23, 1999 meeting.

Approved by: _____, Chair.